

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 22-cr-359 (MJD/TNL)

Plaintiff,

v.

ORDER

Jason Steven Kearns,

Defendant.

This matter comes before the Court on the Government's Unopposed Motion for Extension of Time to File Pre-Hearing Briefing, ECF No. 23.

On January 28, 2023, the Government filed a motion requesting that its February 2, 2023, deadline to respond to Defendant's pretrial motions be extended to February 16, 2023. *Id.* According to the Government, the parties were in the midst of negotiations to resolve the case and a 14-day extension of its deadline to respond to Defendant's pretrial motions would facilitate further discussion. *Id.* Defendant, via email through counsel, stated he has no objection to the Government's motion.

On January 30, 2023, a Notice of Setting Change of Plea was entered on the docket. *See* ECF No. 24. A change of plea hearing was scheduled for March 7, 2023, before District Judge Michael J. Davis.

In light of the parties reaching a resolution and scheduling a change of plea hearing on March 7, the Court will extend the Government's deadline to respond to Defendant's pretrial motions and continue the motions hearing to dates after March 7. In the event that

the change of plea hearing goes forward as scheduled, these dates and deadlines will be cancelled. Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial and such continuance is necessary to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Government's Unopposed Motion for Extension of Time to File Pre-Hearing Briefing, ECF No. 23, is **GRANTED**.

2. The period of time from **January 28 through April 10, 2023**, shall be excluded from Speedy Trial Act computations in this case.

3. All responses to motions shall be filed by **March 21, 2023**. D. Minn. LR 12.1(c)(2).

4. Any Notice of Intent to Call Witnesses shall be filed by **March 21, 2023**. D. Minn. LR 12.1(c)(3)(A).

5. Any Responsive Notice of Intent to Call Witnesses shall be filed by **March 24, 2023**. D. Minn. LR 12.1(c)(3)(B).

6. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion,

objection or response pleadings.

7. If required and subject to further order of the Court, the motions hearing shall be heard before Magistrate Judge Tony N. Leung on **April 10, 2023, at 9:00 a.m.**, in **Courtroom 9W**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota 55415. D. Minn. LR 12.1(d).

8. An arraignment hearing will be held before Magistrate Judge Tony N. Leung on **April 10, 2023, at 9:00 a.m.**, in **Courtroom 9W**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota 55415.

9. **If required, the trial date, and other related dates, will be on a date *to be determined*. Counsel must contact the Courtroom Deputy for District Judge Davis to confirm these dates.**

Dated: January 31, 2023

s/Tony N. Leung
TONY N. LEUNG
United States Magistrate Judge
District of Minnesota

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